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RUEHBJ/AMEMBASSY BEIJING 4763
RUEHBY/AMEMBASSY CANBERRA 2072
RUEHKU/AMEMBASSY KUWAIT 0426
RUEHMO/AMEMBASSY MOSCOW 0562
RUEHNE/AMEMBASSY NEW DELHI 1614
RUEHPB/AMEMBASSY PORT MORESBY 3681
RUEHRH/AMEMBASSY RIYADH 0567
RUEHUL/AMEMBASSY SEOUL 4433
RUEHKO/AMEMBASSY TOKYO 1582
RUEHHK/AMCONSUL HONG KONG 2442
RUEHPT/AMCONSUL PERTH 0582
RUEAWJB/DEPT OF JUSTICE WASHDC//CMMAND CENTER
RUEHIN/AIT TAIPEI 1996
RUEHC/DEPT OF LABOR WASHDC
RUEATRS/DEPT OF TREASURY WASHDC
RUEAUSA/DEPT OF HHS WASHDC

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SIPDIS

SENSITIVE
SIPDIS

DEPT FOR EAP/MTS, EAP/MLS, G/TIP, G, INL, DRL, PRM, EAP/RSP

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SUBJECT: INDONESIA ANTI-TRAFFICKING IN PERSONS REPORT

REF: A. STATE 161287

[1](#)B. 07 JAKARTA 3359

[1](#)C. 07 JAKARTA 590

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[1](#)1. (SBU) SUMMARY: Indonesia took a major step forward in fighting trafficking in persons (TIP) in April 2007 with the signing into law by President Yudhoyono of a tough, comprehensive Law on the Eradication of the Criminal Act of Trafficking in Persons. Police and prosecutors began using the new law widely during the past six months. Law enforcement against traffickers increased dramatically in 2007 for the second year in a row, with arrests up 77 percent, from 142 to 252, prosecutions up 94 percent, from 56 to 109, and convictions up 27 percent, from 36 to 46. A number of trafficking syndicates were shut down.

[1](#)2. (SBU) Police have cooperated closely with RSO Jakarta in investigating trafficking syndicates to the United States. Law enforcement action to rescue children from prostitution and other trafficking was vigorous. Police carried out significant action to shut down manpower placement companies which were complicit in trafficking, including the arrest and prosecution of two owners. Important progress was made in fighting trafficking-related corruption, including the arrest and prosecution of several immigration officials. NGOs reported that because of enforcement of the new anti-trafficking law had a severe chilling effect on the practice by local officials of issuing false documentation for trafficking purposes and that they are much more hesitant to do so now, thus greatly inhibiting the ability of traffickers to obtain false documents.

[1](#)3. (SBU) The President and other senior officials gave prominent public attention to trafficking by meeting with victims abroad. The media and public information campaigns

continued to widely publicize trafficking issues, and a survey of Indonesians revealed that two-thirds of the population express concern that Indonesians who work abroad are likely to suffer physical and psychological abuse by employers. Local laws and actions by local government-civil society anti-trafficking task forces were vigorous in 2007, inspired by wide dissemination of the new anti-trafficking law. Provincial and local governments significantly increased efforts and resources to fight trafficking nationwide. Overseas, Indonesian embassies and consulates were very proactive in rescuing and assisting victims.

¶4. (SBU) However, some serious roadblocks to fighting trafficking remained in place. The GOI showed little political will to renegotiate an MOU with Malaysia which ceded basic workers' rights to hold their travel documents. Exploitation of workers by manpower placement companies continued to be widespread despite police action, due to GOI inaction. The decentralized approach to rescuing, treating and reintegrating victims has hindered implementation of the law due to lack of central direction and funding to assist victims, while the national budget for trafficking remained far below needs. There was no progress in stopping officials from abetting trafficking in prostitution. No action was taken to protect women and children entrapped in debt bondage as domestic servants within Indonesia.

¶5. (SBU) Indonesia needs to take the following actions to make further headway in curbing trafficking:

- Greatly accelerate efforts to combat the corruption that feeds trafficking, particularly among law enforcement officials, including the military, police, ministry of manpower and immigration officials.
- Increase GOI funding for law enforcement against traffickers and for rescue, recovery and reintegration of

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victims.

- Create a migrant manpower recruitment and placement system that protects and benefits the workers rather than exploits them to the benefit of the manpower companies and employers.
 - Pursue better cooperation with receiving countries in combating trafficking.
 - Better protect domestic workers within Indonesia, particularly children, through enforcement of existing laws.
- END SUMMARY.

SOURCES

¶6. (U) The U.S. Mission in Indonesia received information from the following sources: Indonesian National Police (INP) which provided a report in February 2008, "Law Enforcement Against Trafficking in Persons" as well as detailed data on investigations and arrests; the Attorney General's Office (AGO); the Manpower and Transmigration Ministry (the Manpower Ministry); the Department of Foreign Affairs Office of Overseas Manpower Protection; and a number of local government offices. International and domestic NGOs also provided information, in particular the American Center for International Labor Solidarity (ACILS) and International Organization for Migration (IOM), as well as the International Labor Organization (ILO).

¶7. (U) The report text follows the general outline of themes and questions provided in ref A instructions.

¶8. (U) The Jakarta Mission point of contact on the TIP issue is Political Officer Stanley Harsha, tel. (62) 21-3435-9146, fax (62) 21-3435-9116.

¶9. (SBU) Report text:

¶I. OVERVIEW OF INDONESIA'S ACTIVITIES TO
ELIMINATE TRAFFICKING IN PERSONS

The past year did not witness significant change in overall trafficking patterns in Indonesia. There is a continuous trend of Indonesians seeking work abroad as high unemployment and poverty pushes workers overseas. Cases of severe abuse of Indonesians trafficked abroad continued unabated.

INDONESIA FACES SIGNIFICANT TRAFFICKING CRIMES

Indonesia, a developing country and emerging democracy with the world's fourth largest population, is a place of origin for a significant number of internationally trafficked women and children, and to a lesser extent men. Indonesia is also a transit and destination country for international trafficking, although foreign victims are very small in number relative to Indonesian victims. Very significant incidents of trafficking occur within Indonesia's borders, including for prostitution. Different regions of the country are identifiable as sending, transiting and/or receiving areas for internal as well as international trafficking. There were no reports during this period of trafficking in territory outside of GOI control.

SOURCE REGIONS

Various official data and observations by ACILS/ICMC (November 2006, When They Were Sold) indicate that all provinces of Indonesia are both sources and destinations (ref B). Indonesian National Police (INP) reported primary origin

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areas as Java, West Kalimantan, Lampung, North Sumatra and West Nusa Tenggara. This data matched 2007 statistics from IOM which, based on the 1,154 victims it assisted that year, reported the following points of origin: West Kalimantan, 23 percent; West Java, 21 percent; East Java, 14 percent; Central Java 11 percent; West Nusa Tenggara seven percent; Lampung, six percent; East Nusa Tenggara (5 percent), South Sumatra, three percent, Jakarta, one percent; with other sources areas all composing under one percent of the totals.

TRANSIT AREAS

INP reported primary transit areas as Jakarta, Surabaya, Bali, Batam, North Sumatra and West Sumatra. Domestic routes varied.

DESTINATIONS

INP reported primary domestic destinations as: Java, Bali, North Sumatra, East Kalimantan and Papua. A disturbing trend in recent years has been an increase in trafficking of young girls, many under age 18, from North Sulawesi, West Kalimantan, and Papua, where they are exploited in prostitution in areas with rich extractive industries, according to NGOs. A Manado-based NGO reported that more than 80 girls were trafficked from North Sulawesi between January and September 2007, an average of two girls per week. Internationally, INP reported the following destinations: Malaysia, Japan, Singapore, Thailand, Taiwan, Hong Kong, Saudi Arabia, UEA, Qatar, Syria, Kuwait, France, Belgium, Germany and Holland. In the latter half of 2007, an RSO investigation working with Jakarta police uncovered trafficking operations to the U.S.

According to 2007 IOM statistics for the victims it assisted, the primary destinations were as follows:

Destination	Freq	Percent
Malaysia	936	81
Indonesia	186	16

Japan 9 .79
Saudi Arabia 7 .61
Others: Iraq, Singapore, Taiwan, Jordan, Kuwait and Qatar.

TYPES OF WORKERS EXPLOITED

IOM 2007 data revealed that of the victims it assisted, 57 percent were domestic workers, 11 percent prostitutes, 11 percent exploited during transit, 7 percent plantation workers, 3 percent waitresses and the rest construction workers, shopkeepers, nannies, fishermen, masseuses, and cultural dancers. ICMC and ACILS, in their 2003 book entitled "Trafficking of Women and Children in Indonesia," identified three categories that generate the greatest number of TIP victims: female migrant workers, prostitutes and child domestic workers. Men and boys, women and girls, are all widely trafficked, but 2007 IOM data of the victims it assisted revealed 87 percent female and 13 percent male; 77 percent adult and 23 percent children.

CHILDREN

As outlined in the Mission's 2007 Worst Form of Child Labor Report (ref A), children are trafficked for a w(e variety of purposes, but primarily into domestic servitude,

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prostitution, rural agriculture and cottage industries. Many girls under age 18, and even under age 15, work long hours at low wages as domestic servants, according to reliable NGO studies underway in 2007. They are often times under perpetual debt bondage due to pay advances given to the children's families by brokers. The problem is hidden because children work under lock and key. So-called "foundations" are commonly used as fronts for trafficking children as domestic servants. In 2007, one NGO identified 285 child domestic workers in Bandung and 305 in Surabaya under age 17 -- mostly under age 15.

The Child Protection Commission in December 2007 uncovered children employed in the birds' nest processing industry in West Jakarta, involving what they suspect could be large numbers of children aged 15 and under. The commission rescued six children from one of the homes where this activity took place and are attempting to rescue other children.

Internationally, from November 2006 to October 2007, one NGO rescued 313 boys and girls aged 7 to 17, including 107 aged 15 and under. They had been trafficked to Jordan, Kuwait, Malaysia, UAE, Qatar, Saudi Arabia, Japan and Indonesia.

RELIABLE STATISTICS UNAVAILABLE

Reliable statistics or estimates of the overall number of victims--including number of prostitutes and child victims--remain unavailable and unreliable.

TRAFFICKING CONDITIONS, METHODS

For internal trafficking into the sex trade, traffickers used debt bondage, violence and threats of violence, drug addiction, and withholding of documents to keep women and children in prostitution. Traffickers employ a variety of means to attract and hold victims, including promises of well-paying jobs, debt bondage, community or family pressures, threats of violence, rape, and false marriages. Promises of relatively lucrative employment are among the most common tactics. For example, police and NGO interviews of women who escaped from forced prostitution in Batam, Papua and Malaysia commonly reveal that traffickers recruited the young women with offers of jobs in restaurants, supermarkets

or as domestic servants. Once at their destination, traffickers used violence and rape to force them into the sex trade. Migrant worker recruiters also use misrepresentation and debt bondage to traffic men and women.

Debt bondage is particularly common in the sex trade. Indonesian women and girls trafficked into prostitution in Batam, for example, commonly began with a debt of USD600-1,200. Given the constant accumulation of other debts, women and girls are often unable to repay these amounts, even after years of work as prostitutes.

Some migrant workers, often female, also entered trafficking and trafficking-like situations during their attempt to find work abroad through migrant worker recruiting companies (PJTKI). Licensed and unlicensed companies used debt bondage, withholding of documents and confinement in locked premises to keep migrant workers in holding centers, sometimes for periods of many months. Some also uses threats of violence to maintain control over prospective migrant workers. Civil society, officials, and victims themselves commonly viewed conditions of debt bondage and physical confinement as acceptable aspects of the migrant worker

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system, rather than as rights violations.

Traffickers took advantage of persons in many impoverished regions. While poverty plays a leading role in facilitating trafficking, poor educational opportunities, cultural factors and established trafficking networks also acted as important determinants.

Police and NGOs found in 2007 that Indonesians sometimes arrive legally in one country, for example Malaysia, and then are provided with false documentation and lured to more remote locations, such as the Middle East and Europe, where they are trafficked.

TRAFFICKERS

Traffickers fit many different profiles. Some worked in larger mafia-like organizations, particularly for trafficking into major prostitution areas. Others operated as small or family-run businesses. Husband-wife teams of traffickers were common, with the wife often serving as the recruiting agent. In many instances, local community leaders and parents of victims assisted in trafficking.

Some manpower brokers operated similar to trafficking rings, leading both male and female workers into debt bondage, abusive employment situations and other trafficking situations. Some of the offending manpower companies held official licenses. Others operated illegally or appeared to be fronts for traffickers.

U.S. TRAFFICKING SYNDICATES UNCOVERED BY RSO

RSO Jakarta uncovered new trafficking syndicates in 2007 using these techniques to traffic workers to the U.S. These syndicates provided victims with false documents to procure visas to the U.S., after which they were turned over to agents in the U.S. who used debt bondage to enslave the victims. Since October 2007, RSO has coordinated with the INP to target criminal syndicates that specialize in the production and sale of counterfeit documents to facilitate human smuggling and/or trafficking to the United States. RSO provided information to the INP that has resulted in over thirty arrests and eight search warrants against vendor operations in the Jakarta metropolitan area. The information obtained from these search warrants led to the discovery of a Pennsylvania based Indonesian human smuggling/trafficking syndicate. RSO is coordinating with Diplomatic Security Service's (DSS) Visa Fraud Branch, the Federal Bureau of

Investigation and the Department of State's Human Smuggling and Trafficking Center to investigate this syndicate. Additional leads related to this criminal organization are being pursued both in the United States and Indonesia.

In coordination with the Jakarta Consular Section's Fraud Prevention Unit, RSO has identified twenty-five other criminal organizations within the Jakarta metropolitan area that are involved in the production and distribution of counterfeit documents and/or the smuggling/trafficking of persons from Indonesia to the United States and other countries. DSS has authorized RSO JAKARTA to coordinate with the INP to fund and conduct undercover operations against these criminal elements.

DSS has provided RSO Jakarta with funds to provide human smuggling/trafficking training to the INP. RSO, in conjunction with Department of Justice's International

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Criminal Investigative Training Assistance Program (ICITAP), will provide a minimum of five human smuggling and trafficking training courses to the INP in calendar year 2008. In response, INP Jakarta has set up a local anti-trafficking unit.

OFFICIAL COMPLICITY

NGOs reported that because of enforcement of the new anti-trafficking law, had a severe chilling effect on the practice by local officials of issuing false documentation for trafficking purposes and that they are much more hesitant to do so now, thus greatly inhibiting the ability of trafficker to obtain false documents. Some individual members of the security forces were complicit in trafficking, particularly by providing protection to brothels and prostitution fronts in discos, karaoke bars and hotels, or by receiving bribes to turn a blind eye to such crimes. In Sorong, Papua, newly arrived trafficked girls from North Sulawesi are taken to the local police by sex pub owners. Police are told that the girls have a large debt and are under contract. Police agreed to arrest the girls and return them to the pubs if they escape, according to officials and NGOs in North Sulawesi. An unknown number of civilian officials, including those who work in local government service, immigration, and local Manpower offices, either contributed to or were complicit in trafficking.

INP reported that traffickers in 2007 were increasingly recruiting young women to work in Malaysia as "interns" in hotels, since the law allows girls under the age of 21 to work as interns. Upon arrival in Malaysia, these girls are forced to work with low pay and are subsequently trafficked into slave labor.

There were many reports of families either selling or encouraging children to enter abusive domestic service or prostitution. Children worked to pay off debts or advances provided to their families.

DATA ON PROSTITUTION

Prostitution constitutes a major source of concern for TIP in Indonesia due to the number of women and children involved; the clandestine, abusive and often forced nature of this work; the prevalence of organized crime; and the frequent awareness and/or complicity of officials and security forces (police and military) in prostitution. There is no reliable data on the number of girls and women forced into prostitution through debt bondage but the numbers are significant.

GOI officials and NGOs often criticized police officers as

too passive in combating trafficking absent specific complaints. Although police were often aware of underage prostitutes or other trafficking situations, they frequently did not intervene to protect victims or arrest probable traffickers without specific reports from third parties. Police in some areas facilitated and accepted at face value efforts by pimps to obtain written statements by prostitutes, which "verified" that the prostitutes were of adult age and had consented to their roles. Police in some areas generally accepted trafficking or trafficking-like situations, whether out of lack of awareness of trafficking as a crime, their direct or indirect involvement in trafficking, their individual financial interest in prostitution, lack of police resources for operations, or competing law enforcement priorities. Police often times claim that they cannot

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identify underage prostitutes because they have fake IDs and cannot prove their age.

INDONESIAN VICTIMS IN MALAYSIA

Malaysia is commonly identified as the country receiving the greatest number of Indonesian trafficking victims. According to ACILS, in Malaysia the risks of being trafficked are compounded by the fact that probably more women and girls enter Malaysia illegally than legally to seek employment. ACILS reports that an over-supply of Indonesian women and girls in Malaysia results in placement agencies in Malaysia offering incentives to more families to hire foreign maids, including offering the employer recovery of fees from the employee through wage reductions. Various sources report that the first five months of wages are commonly deducted. IOM reported that from March 2005 to October 2006, 72 percent of female victims recovered from various countries had chlamydia, and a significant proportion had other STDs, including 1.7 percent who were HIV positive. Of these victims, 63 percent came from Malaysia.

A 2006 bilateral MOU between Indonesia and Malaysia failed to give adequate protection to Indonesian migrant workers, opening the door to abuse. The agreement allows employers to hold workers' passports restricting their freedom to return home, allows monthly deductions of up to 50 percent of negotiated wages to repay loans and advances, and does not specify time off. Indonesian and Malaysian authorities met in June 2007 to discuss renegotiating the MOU but no progress was made. The GOI has demonstrated little political will to address this issue.

"CULTURAL PERFORMERS" IN JAPAN

GOI stopped permitting Indonesian women to travel to Japan and South Korea as "cultural performers" in June 2006, thus curtailing a practice that led to victims being trafficked under this guise. However, in 2007, traffickers increasingly used false documents, including passports, to obtain tourist visas for young girls who are forced into prostitution in Japan to repay a debt USD20,000. The false documentation makes it all the more difficult for them to escape from sexual slavery.

Taiwan

Trafficking of young girls to Taiwan - mainly from West Kalimantan - persisted in 2007. Traffickers use false marriage licenses and phony marriage photos for the girls to obtain visas, Migrant Care reported. They are forced into prostitution in Taiwan.

Middle East

Migrant Care reports that large-scale trafficking to the Middle East persists, Saudi Arabia being the worst offender. The UAE, Jordan and Iraq are also destination countries, though others exist. Many Muslim girls are lured to Saudi Arabia with promises of a good salary and the opportunity to make a pilgrimage to Mecca, a dream far beyond their financial means. Many Indonesians are trafficked from Malaysia. One large syndicate trafficked 27 girls to Kurdistan, Iraq in 2007. Some of these girls were brought legally to Jordan first and then told they were not qualified

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to work in Jordan and promised good jobs in Kurdistan, Migrant Care reported. One girl who Labatt spoke with by telephone in Kurdistan in October 2007 said a Turkish businessman kept her and other Indonesian girls trapped in domestic servitude with low wages. She and four others escaped by contacting IOM, which facilitated their travel from Iraq.

MIGRANT WORKERS

Illegal migrant workers are more likely to be trafficked, and according to ACILS at least 800,000 of the current estimated 1.5 million Indonesian workers in Malaysia are said to be illegal. Some 600,000 documented Indonesian workers went abroad in 2006, and another two million traveled undocumented, according to GOI sources. In order to relieve unemployment in Indonesia, the official target is to send 750,000 workers abroad next year, according to the Ministry of Manpower. The policy is to send 70 percent semi-skilled workers, reducing the number sent in low wage informal sector jobs.

FOREIGN VICTIMS IN INDONESIA

According to an American researcher who conducted a study in 2007 on trafficking of women in Southeast Asia, the vast majority of foreign prostitutes in Indonesia are from Mainland China. Smugglers told this researcher that they estimate the number to be between 4,000 and 20,000. Of the 100 Chinese prostitutes he interviewed, none had been forced, although all had debts of between USD1,000 and USD4,000 to repay. They were under pressure to repay the debts and then earn money to send home, the women told the researcher. The pimps/smugglers kept their passports and said it was easy to extend the visas with bribes. The researcher also came across a few women from Thailand and eastern Europe.

POLITICAL WILL

Political will to fight trafficking was clear at the national leadership level as well as at local levels in 2007, while awareness of the issue continued to penetrate through government agencies. During a January 2008 visit to Malaysia, President Yudhoyono met with trafficking victims, including Nirmala Bonat, whose relentless fight in the Malaysian court system to bring justice to the employers who abused her in 2004 has become the cause celebre for Indonesian trafficking victims. Following his visit to five Middle East countries in May 2007 where he met with trafficking victims, the President convened a cabinet meeting at which he called for action to ensure better treatment and protection of Indonesian migrant workers.

A Malaysian law enforcement delegation visited Indonesia in December 2007 to discuss better cooperation to protect Indonesian migrant workers and the INP reports good cooperation with its Malaysian counterparts in investigating cases.

Furthermore, the President has appointed senior level

officials in key positions with clear instructions to eliminate trafficking, resulting in noticeable progress in law enforcement. The government has trained over a thousand law enforcement officials on fighting trafficking, often times in interagency courses also attended by NGOs. The number of special anti-trafficking police and prosecutors greatly increased.

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As President Yudhoyono's clear stance on clean government filtered down this year through the ranks, corrupt officials complicit in trafficking have been fired, prosecuted or transferred. In 2007, several senior law enforcement officials complicit in illegal activities that promoted trafficking were being investigated for corruption, sanctioned, or transferred to less sensitive positions, according to reliable official sources.

With the passage of the new anti-trafficking law, local task forces in many provinces across Indonesia have reinvigorated their efforts. For example, the North Sulawesi anti-trafficking task force meets regularly with representatives from the full spectrum of official agencies and NGOs. In 2007 this effort resulted in dramatic progress to prevent trafficking, to raise public awareness and to rescue trafficking victims. For example, most of the North Sulawesi anti-trafficking police, based on information provided by NGOs, traveled to Sorong, Papua, to rescue and return several trafficked girls to North Sulawesi. North Sulawesi officials report that in 2004, 70 percent of the girls trafficked to Papua were from North Sulawesi, but that their prevention efforts resulted in that percentage dropping to 30 percent by 2007.

LIMITATIONS, RESOURCES

During 2007, Indonesia showed significant progress in its counter-trafficking efforts through the passage of a strong anti-trafficking law and widespread efforts to disseminate information concerning this law. But the year was also marked with serious shortfalls that could be attributed to continued lack of capacity but potentially also due to diminished political will to continue tackling the complex problems associated with trafficking. Due to the fact that a new national task force had not yet been formed through a mandate from one of these implementing regulations, little emphasis has been placed on developing a second National Plan of Action (NPA) to combat trafficking in persons, despite the fact that Indonesia's first NPA expired at the end of December. Work on finishing national guidelines for services to trafficked persons - through another revision of the Standard Operating Procedures for Return, Recovery and Reintegration of Trafficking Victims (SOPs) and a new regulation on standard minimum services (SPM) - met with little progress following passage of the anti-trafficking law. Finally, an annual report on trafficking in persons by the Government of Indonesia has yet to be issued for 2006 (publication has traditionally taken place in March of each year) and it appears that a report for 2007 has not yet been worked on in any significant way.

The Ministry of Women's Empowerment, charged with coordinating efforts to implement the law, was not yet able to provide data on the amount spent on trafficking in 2007, but is gathering this information. Post will report this septel.

Given the scope of the country's trafficking problem, Indonesia's actions against trafficking, whether the responsibility of national or local governments, continued to demonstrate serious weaknesses and failings. Indonesia's relative poverty, weaknesses in governance, poor public funding, preoccupation with post-tsunami recovery, and endemic corruption all contributed to these shortcomings.

ANTI-CORRUPTION EFFORTS

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President Yudhoyono's strong anti-corruption stance resulted in action against officials complicit in trafficking in 2007.

The national police chief, the attorney general and the new director general of immigration all gave signals to officials that corruption would not be tolerated, taking their lead directly from the President. As a result, GOI and NGO sources confirmed that several senior officials suspected of corruption that contributed to trafficking are either being investigated for corruption, sanctioned, or transferred to less sensitive positions. In addition, the following specific actions can be reported:

National police reported arresting and prosecuting at least three immigration officials at key transit points: the Jakarta international airport and at the Entekong border post with Malaysia; other investigations are underway which they could not discuss.

On January 2, 2008, former Indonesian ambassador to Malaysia, Hadi A. Wayarabi, was sentenced to 30 months in jail for corruption in the collection of immigration document fees. Wayarabi was found guilty of involvement in the collection of illegal fees from Indonesians needing immigration documents at the Indonesian embassy in Kuala Lumpur from 2000-2003.

On January 4, the Corruption Eradication Commission (KPK) indicted former Indonesian ambassador to Malaysia, Rusdihardjo, and immigration section chief Arihken Tarigan, as graft suspects. Both Rusdihardjo and Tarigan were suspected of corruption during their time as officials in Kuala Lumpur between January 2004 and October 2005.

On May 8, 2007, the KPK found Eda Makmur, a former consul general in Johor Baru, Malaysia, guilty of graft in overcharging for passport fees and sentenced him to two years in prison.

The Corruption Eradication Commission's prosecution team indicted former director general of manpower education and inspection Marudin Saur Marulitua Simanihuruk on corruption in relation to the 2004 audit of funds for foreign workers in Indonesia. On February 28, the Anti-corruption Court began proceedings against Marudin, together with another manpower ministry official, Suseno Tjipto Mantoro. Both face 20-year jail terms.

II. PREVENTION OF TRAFFICKING

A 2007 survey contracted by USAID included questions on Indonesian migrant workers, revealing a high awareness level of the dangers of working abroad: about two-thirds of Indonesians believed that Indonesians who work abroad are likely to suffer from physical or psychological abuse from employers, while 60 percent believed that it is not worth seeking work abroad because of the high costs. Only three percent have seriously considered working abroad, and among those who do not want to work abroad, 15 percent said they fear mistreatment, while 21 percent say the costs of seeking work abroad are too high. While this was the first time this issue was surveyed, it does indicate that publicity and public awareness campaigns might be raising awareness of the risks of being trafficked.

In January 2007, the National Agency for the Placement and Protection of Overseas Workers was (BNP) was established. The agency took over the Ministry of Manpower's responsibilities to protect migrant workers, such as

facilitating labor export and providing legal protection. The agency was established as required by the 2004 Overseas Labor Placement and Protection Law. The law also requires the government and the new agency to supply workers only to countries that have labor agreements with Indonesia. This new body is directly responsible to the president. Through this same decree, GOI will decentralize Migrant Holding Centers to the district level which will benefit migrant workers because it will reduce the cost of travel to the centers, facilitate monitoring of the centers and reduce the potential for manipulation of the documents. Social controls of abuses at the local levels are believed to be stronger and thus help better protect workers from trafficking.

During its first year of operation, BNP did very little to increase protection of migrant workers. Far from recommending the closure of abusive manpower companies, the number of brokers increased under BNP's supervision and corruption continued.

The Indonesian Embassy in Kuala Lumpur, Malaysia in 2007 established a medical clinic at the shelter in the Embassy. The embassy has two doctors on call to provide basic medical services to stranded migrants at the shelter, regardless of whether they are victims of trafficking. Now, each stranded migrant worker at the embassy is entitled to a free medical check up and treatment. The embassy pays for these medical services in full. Apart from that, exit documents needed for victims of trafficking to leave Kuala Lumpur are obtained quicker than in the past. In the past, victims would be at the shelter for well over year and this is being cut back to a few months. Also, all consulates (Penang, Johor Baru, Kuching, Kota Kinabalu) and the embassy are actively screening all migrants for victims of trafficking. The staff are using the IOM's screening form (based on UN definition of trafficking). Once migrants are identified as victims of trafficking, they are immediately referred to IOM for assistance.

GOI ANTI-TIP CAMPAIGNS

The following activities have been undertaken to prevent trafficking:

-- The Ministry of National Education has funded activities to eliminate Child Drug Trafficking.

--West Nusa Tenggara's (NTB) provincial government allocated USD10 million for its migrant worker empowerment program in 2007.

--The East Nusa Tenggara (NTT) provincial government allocated USD 24,000 to assist migrant workers who experience hardship in their overseas workplaces.

--On February 16, 2008, the Lombok Barat Parliament passed the West Lombok Regional Regulation on Migrant Worker Protection, establishing a Migrant Worker Protection Commission to investigate and settle migrant worker problems.

In Surabaya, The Forum of Concerned Women was created in November 2007, focusing on human trafficking.

--The North Sulawesi Government established an Integrated Service Center for Women and Children, as did Cirebon, West Java.

--In 2007, East Java provincial government worked together

with NGOs to formulate guidance on how to handle trafficking

cases.

--In Manado, the Bureau of Women's Empowerment in North Sulawesi, the NGO Swara Parangpuan and the Manado Port Authority have successfully cooperated to apprehend traffickers and rescue victims before they depart.

-- As a contribution to prevention efforts, Nusa Tenggara Barat province's Legal Aid Association (LBH) provided legal assistance to five villages in East Lombok to help formulate village regulations regarding the recruitment of migrant workers.

--The East Java government established a Rapid Response Team in 2007 to assist the victims of trafficking. It is comprised of local government employees and NGO workers and provides social, psychological and legal counseling.

-- In 2007, the East Java government signed an MOU with regencies and cities in the province to work together to handle the return of trafficking victims. The Provincial government bears the responsibility for returning trafficking victims to their homes, while government at the regency and municipal levels bears responsibility for monitoring and preventing trafficking victims from being re-trafficked.

--The North Sulawesi Department of Religious Affairs established a counseling center in 2007 to provide religious counseling to the victims of trafficking.

Media coverage of trafficking, both domestic and international, expanded over recent years. National television, radio and print media, and local newspapers routinely covered TIP issues. Investigative journalism shows highlighted the crime.

GOI SUPPORT TO OTHER PREVENTION PROGRAMS

The GOI supported and administered other national programs related to the prevention of trafficking, but not designed specifically as anti-trafficking efforts. These programs commonly faced serious constraints in terms of GOI limited funds, institutional capacity, and corruption. Some of the more relevant programs were:

-- A program to encourage free basic public education through the first nine years of schooling, including subsidies for students from poor families. A number of districts announced their achievement of free public schooling.

-- School Subsidy Operation providing a subsidy to poor people who were directly affected by the policy to increase the price of oil.

-- A program to encourage birth registrations, coupled with a law that mandates government offices to provide birth certificates free of charge. At least 21 local governments began free provision of birth certificates.

-- A national program to eliminate gender inequality in education.

-- Programs to train female migrant workers.

-- Credit schemes for micro-businesses, some of which focused on women.

-- Revolving credit schemes for cooperatives and savings and

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loan associations.

-- The Directorate of Women and Child Labor Monitoring in the Manpower Ministry has allocated funds for the establishment and operation of Provincial and District Action Committees on

the Elimination of the Worst Forms of Child Labor.

RELATIONSHIP BETWEEN GOI, NGOS AND OTHER ELEMENTS

The overall relationship between relevant GOI offices and NGOs remained cooperative and mutually supportive on TIP-related issues. Cooperation varied from agency to agency and location to location. The GOI recognized the importance of NGO expertise, networks and involvement. NGOs met regularly with officials and participated in national and local task forces. The GOI and NGOs collaborated on many TIP initiatives, including in protection of victims, public awareness raising, and in providing assistance to law enforcement officials in investigations and prosecutions. The police and NGOs continued to share information on trafficking, although mutual suspicions between NGOs and police sometimes prevented their cooperation.

MONITORING OF IMMIGRATION/EMIGRATION

The Directorate of Immigration, under a new Director General, has made trafficking a top priority, particularly of children. The implementation of bio-metric passports will help immigration officials to stop trafficking of girls as well. Immigration, police, prosecutors and judges from migrant worker transit areas were trained together in 2007.

While efforts to increase passport integrity began, Indonesia's passport services, like most other government services, remained the object of widespread corruption. Indonesians are able to easily obtain passports in false and multiple identities. The lack of computerized nationwide passport and immigration records facilitated the work of traffickers, and made it difficult to check whether potential trafficking victims have left Indonesia. Recruitment agencies routinely falsified birth dates, including for children, in order to apply for passports and migrant worker documents. A field visit by Labatt to a border post revealed loose controls and rampant corruption.

The GOI did not effectively monitor immigration and emigration patterns for evidence of trafficking, with some limited exceptions. On the whole, however, immigration officials and law enforcement agencies did not have the equipment, capacity or tools to generate useful information, or did not prioritize such information.

The Transnational Crime Center (TNCC), which includes trafficking as one focus, was established in 2004 and has aggressively tackled trafficking.

COORDINATION AND COMMUNICATION MECHANISMS

In 2006, Indonesia signed the ASEAN Declaration on the Protection and Promotion of the Rights and of Migrant Workers, committing itself to an extensive list of protections. End update.

At the national level, the Women's Ministry served as the focal point for GOI actions on TIP. The People's Welfare Coordinating Ministry, which includes the Women's Ministry under its umbrella, also played a key role in coordinating

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efforts across different agencies. The National Action Plan to eliminate trafficking created a Task Force led by the People's Welfare Coordinating Minister and the Women's Minister, and included some 28 government and law enforcement agencies, NGOs, and civil society groups (see above). Many provinces and a number of districts operated task forces for coordinating anti-trafficking efforts.

The GOI actively participated in multilateral and

international coordination efforts to combat trafficking under UN, ASEAN and regional frameworks. As an example, the GOI hosted the ASEAN workshop on combating TIP in November 2005.

The GOI has given responsibility for developing anti-trafficking programs to the National Anti-Trafficking Task Force, created by the National Action Plan, and led by the People's Welfare Coordinating Minister and the Women's Minister, which includes other government and law enforcement agencies, NGOs, and civil society groups. Responsibility for provincial and district-level programs varies from location to location. A growing number of provinces and districts (26 in total) have their own task forces or committees.

III. INVESTIGATION AND PROSECUTION OF TRAFFICKERS

Law Enforcement Increases Two Straight Years

Police and prosecutors began using the new anti-trafficking law soon after it passed, not waiting for implementing regulations; however, other laws were still mostly used in 2007 pending widespread implementation of the new law. These laws included the Penal Code, Child Protection Act, the Manpower Placement Act and the Manpower Act.

For the second year in a row, law enforcement against traffickers increased dramatically in 2007 over 2006: arrests increased 77 percent from 142 to 252, prosecutions increased 94 percent from 56 to 109, and convictions increased 27 percent from 36 to 46. The average sentence in these cases was 45 months. This data came mostly from the national police (INP) and the Attorney General's Office, with some cases reported by reliable NGOs. All data was based on cases linked directly to trafficking.

The 21-man national police anti-trafficking task force has worked with local police, Ministry of Manpower, the Migrant Workers Protection Agency, Immigration, Foreign Affairs and NGOs to shut down several large trafficking syndicates using Indonesia as a transit point and rescue hundreds of victims, mostly children, according to a February INP report, interviews with police and media reports. While police could not share details of every case with us, they did share much information. The two-part "Operation Flower" which began in March 2007 and is on-going, targeted trafficked children, primarily in sexual exploitation. In March, this operation shut down large operations in red-light districts of Jakarta, the Riau islands, Central and West Java and elsewhere, arresting dozens of pimps and rescuing dozens of children. Separately, local police in North Sumatra, South Sulawesi, Bali, Lombok, West Kalimantan and elsewhere, broke up trafficking syndicates, using testimony from the victims to arrest traffickers

and to gain information about links in other countries which they shared with those law enforcement authorities. In Pontianak, in May 2007, police allowed emboff to interview both a teenage victim still under the care of the GOI after escaping from sexual bondage in Malaysia, and the three persons who trafficked her, interviewing them in prison. Police in late 2007 cooperated with the Manpower Ministry to

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shut down a manpower company that was trafficking workers, rescuing over a hundred persons, including children, and arresting staff on charges of document falsification.

Internationally, police cited some of the already successful anti-trafficking actions completed in 2007, including stopping one syndicate trafficking workers to France and another to Syria, Saudi Arabia and Malaysia. In yet another operation, police broke up a syndicate trafficking Sri Lankans to Australia.

In 2007, police had set up 304 women's help desks (RPK) to protect women and child victims of violence, including

trafficking, and also to aid in investigations of these crimes, an increase of 24 from 2006. INP also had set up Integrated Service Centers in 36 locations in 2007 where specially trained anti-trafficking police work with doctors and social service workers at police hospitals to provide special treatment for victims. Complying with the 2007 anti-trafficking law's requirement to set up special interview rooms for trafficking victims, police in major cities across Indonesia have already provided these rooms, complete with video cameras to record testimony for victims who do not want to appear in court and special materials to help with interviewing children.

To aid in trafficking investigations, beginning in 2003 the police posted liaison officers in Indonesian embassies in Saudi Arabia, Malaysia, Australia and Thailand. These police liaison officers contributed to growing law enforcement cooperation particularly with Malaysia. The Indonesian police liaisons in Australia and Saudi Arabia have also helped to investigate trafficking in the past.

EXISTING ANTI-TIP LAWS

The New Anti-Trafficking Law

On March 20, 2007, the Indonesian national legislature passed Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons. On April 19, the law was enacted through the President's signature. The law does five things:

1. Defines trafficking
2. Establishes harsh punishments
3. Provides protections for victims and witnesses
4. Provides services and restitution to victims
5. Calls for actions to address trafficking

The law stipulated that three implementing regulations must be promulgated within six months following enactment. The three implementing regulations included:

1. Establishment of special police service units (RPK) and procedures for examination of witnesses by Regulation of the Chief of National Police (Article 45);
2. Procedures and mechanisms for integrated service centers by Government Regulation (Article 46);
3. Establishment, organization, membership, budget, and operating procedures of the national and local task forces by Presidential Decree (Article 58).

The GOI enacted the first regulation in July 2007, through the National Police Decree No. 10, to provide the organizational structure and procedures for a special unit providing services to women and children. The second regulation on integrated services was enacted in February

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2008. The third on organization and budget awaits action by the Government Secretariat and Cabinet Secretariat.

The anti-trafficking law meets international standards to prevent and outlaw trafficking, and includes a comprehensive legal mandate for rescue and rehabilitation of victims. The law outlaws all forms of trafficking including debt bondage and sexual exploitation. It also provides stiff penalties for complicity in trafficking by officials and labor agents, which include harsh prison sentences. Penalties for trafficking of a child under 18 years range from three to 15 years in prison, with penalties for officials higher by one-third, and fines of between \$12,000 and \$60,000.

The law defines sexual exploitation as any form of the use of sexual organs or other organs of the victim for the purpose of obtaining profit, including but not limited to all acts of

prostitution and sexually indecent acts. A person who uses or takes advantage of a victim of trafficking in persons by way of engaging in sex or other indecent acts, or gains benefit from the result of the crime, faces a possible prison sentence of between three and fifteen years and a fine of between USD12,000 and USD60,000.

OTHER LAWS

The National Plan of Action encourages provincial and local governments to their own anti-trafficking regulations and a number have done so. Notable are strong anti-trafficking or women and child protection laws which reflect local reactions to the trafficking problem and are being used vigorously. Some of these laws include:

-- North Sulawesi with Regional Regulation No. 1 of 2004 on Prevention and Elimination of Trafficking of Women and Children.

-- North Sumatra with Regional Regulation No. 6 of 2004 on Prevention and Elimination of Trafficking of Women and Children.

--Indramayu District with Local Regulation No. 14 of 2005 on Prevention and Prohibition of Trafficking for Child Commercial Sexual Exploitation.

--East Java Province with its Local Regulation No. 9 of 2005 on Provision of Protection for Women and Children Victims of Abuse.

--Sumbawa District with its Local Regulation No. 11 of 2003 on Protection of Indonesian Overseas Workers originating from Sumbawa, and a similar regulation in East Lombok (2006).

In 2004, the DPR passed Law 39/2004 on the protection of migrant workers abroad. The law provides greater regulation of the migrant worker recruiting and placement process. It establishes jail sentences of 2 to 15 years for unlicensed labor recruitment agencies.

Indonesia has also ratified almost all major conventions relating to trafficking. In addition to those referred to above, Indonesia has ratified ILO Convention 29 on Forced Labor, the UN Convention on the Elimination of Discrimination against Women, and has signed the optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Indonesia has also signed the UN Convention against Transnational Organized Crime and its supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

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PENALTIES FOR RAPE OR FORCIBLE SEXUAL ASSAULT

The Criminal Code, Article 285, stipulates a maximum of 12 years imprisonment for rape committed outside of marriage. Other generally less severe criminal sanctions apply for sexual intercourse with a minor, forcing a person to commit an act of sexual abuse of a minor, facilitating minors to perform acts of obscenity, and other related offenses. The 12-year maximum jail sentence for rape exceeds the 6-year maximum for trafficking under the Criminal Code, but is similar to the 15-year maximum penalty for trafficking of children under the Child Protection Act.

PROSTITUTION NOT LEGAL, BUT WIDESPREAD

As a matter of national law, Indonesia has not legalized prostitution. Indonesia's Penal Code does not explicitly mention prostitution, but the Code's Chapter 14 refers to

"crimes against decency/morality," which many within national and local governments interpret to apply to prostitution. Central government officials contacted by the Embassy agreed in their interpretation that the Penal Code renders prostitution illegal. The prostitution of children is clearly illegal under the Penal Code and the 2002 Child Protection Act.

The Penal Code can be used to prosecute the acts of pimps, brothel owners and enforcers on the basis of various crimes, including: using violence or threats of violence to force persons to conduct indecent acts (Article 289, with a maximum penalty of nine years in jail); facilitating indecent acts (Article 296, with a possible jail term of 16 months); conducting/facilitating public indecency (Article 281); and making profits from the indecent acts of a woman (Article 506, with a possible one-year jail sentence). In practice, authorities rarely pursued such charges against those involved in prostitution.

Clients of child prostitutes can be charged under the Penal Code and the Child Protection Act. In theory, married persons who are clients of prostitutes can be charged for engaging in sexual relations outside of marriage (Penal Code Article 284). In general, police did not arrest and pursue charges against clients of prostitutes.

While contrary to societal and religious norms in Indonesia, the practice of prostitution is widespread and largely tolerated in many areas of the country, particularly when it is not a matter of public display. Although contrary to national interpretations that the Penal Code prohibits prostitution, authorities in some localities have formally or informally regulated prostitution in response to community pressure.

In some areas, including certain locations in Papua, brothel owners registered prostitutes with the police with a view to demonstrating that the prostitutes are not coerced or underage.

Some local governments gained important tax revenues from otherwise legal entertainment businesses, such as karaoke bars, that also offer prostitution. Individual police and other officials also gained illegal income as a result of prostitution. These factors encouraged the tendency to tolerate prostitution, according to observers.

In East Java, the province's Child Protection Commission, police, city authorities, and NGO representatives in May 2005

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launched a network to monitor and prevent trafficking of children into prostitution. The network monitors brothels and reports to the social services office and police if a brothel employs a child prostitute. In 2007, this resulted in a decrease of child prostitutes from 68 to 8, according to an ILO survey.

INVESTIGATIVE TECHNIQUES

In some instances, the police, particularly those who had received anti-trafficking training, used active investigation techniques to develop trafficking cases. The police used undercover operations to some extent. In the past, police occasionally employed electronic surveillance using technical expertise developed for counter-terrorism. Information collected through electronic surveillance is not admissible in Indonesian courts except in cases of terrorism. The cooperation of victims and witnesses was important to police and prosecutors in making cases against traffickers. According to a number of the police, GOI officials and NGOs, victims frequently avoided testifying because of the prolonged nature of court cases, their desire to return to their home areas and lack of financial assistance to maintain themselves. This complicated prosecution efforts. In some

cases, police did not detain suspects, who then subsequently disappeared and did not present themselves in court.

SPECIALIZED TRAINING

Training of law enforcement officials by USG and international NGOs greatly increased this year, with strong cooperation by Indonesian officials. Over a thousand police, prosecutors and judges were trained on trafficking in 2007.

COOPERATION WITH OTHER GOVERNMENTS

The GOI cooperated with other governments, particularly Malaysia, in the investigation and prosecution of trafficking cases during this reporting period. Indonesian and Malaysian law enforcement officers worked together to stop trafficking operations.

In the past, Indonesia and Australia cooperated in the investigations of Australian pedophiles victimizing children in Bali, and syndicates trafficking women to Australia.

Indonesian police and other officials cooperated actively with U.S. law enforcement to arrest and expel wanted American citizen pedophiles.

EXTRADITION

Indonesia maintains extradition treaties with only five countries or territories, but very seldom utilizes this mechanism to seek extradition of its citizens, preferring less formal options such as rendering and deportation. Indonesia does not have a history of extraditing or rendering its own citizens to other countries.

Indonesia did not extradite any traffickers during this reporting period and there were no reports of such requests from other countries.

Indonesian police and officials have cooperated with foreign governments, including the U.S. and Australia, in the apprehension and repatriation of foreign sex offenders.

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GOVERNMENT INVOLVEMENT IN OR TOLERANCE OF TRAFFICKING

Some government officials and individual members of the security forces facilitated, tolerated, or were involved in TIP on a variety of levels. The GOI in past reports acknowledged this fact, which has been widely reported by groups working on trafficking. The most common example of such complicity was in the production of national identity cards. In local communities, low-level officials certified false information to produce national identity cards and family data cards for children to allow them to work as adults. They commonly did so in order to collect bribes and also to assist poor families in gaining additional wage earners. In most cases, these officials facilitated such cards without knowing the children will be trafficked. In a much smaller number of cases, the local officials presumably were aware that they are facilitating trafficking. Based on the identity cards, traffickers processed passports and work visas for children who otherwise would not be able to obtain such documents. With less than 30 percent of all births registered in the country, and such registrations also subject to falsification, authorities often had little legal basis to challenge documents containing false information.

At the Jakarta international airport migrant worker transit center, "Terminal Three," returning migrant workers are forced to pay a wide variety of unofficial fees in order to

go home.

Some officials in local Manpower offices reportedly licensed and tolerated migrant worker recruiting agencies despite the officials' knowledge of the agencies' involvement in trafficking. In return for bribes, some Immigration officials turned a blind eye to potential trafficking victims, failing to screen or act with due diligence in processing passports and immigration control. Local governments' informal or formal regulation of and alleged profiteering from established prostitution zones in larger cities also raised concerns about local officials' involvement and tolerance of trafficking.

In 2007, officials of the Migrant Worker Placement and Protection Agency posted at airports allowed returning trafficking victims to be taken by officially sanctioned transport back to the manpower company that trafficked them to begin with, returning them to debt bondage, Migrant Care reported.

Individual members of the police and military were associated with brothels and prostitution fronts, most frequently through the collection of protection money, which was a widespread practice. Sometimes off-duty security force members worked as security personnel at brothels. Security force members also involved themselves in prostitution as brothel owners or through other illicit business interests, according to NGOs and other reports. As one prominent example, NGOs continued to report the involvement of Indonesian navy personnel and police in the Dolly prostitution complex in Surabaya, one of Southeast Asia's largest brothel areas. A 2005 NGO examination of trafficking in Papua also found indications of police and military personnel involved in trafficking.

NGOs described the involvement in TIP of individual police and military members primarily as one of extorting protection money from brothel owners and pimps, and of not taking proactive steps to free underage or other trafficked prostitutes. In past years, there have been reports of

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police officers assisting pimps to return runaway prostitutes to brothels. The NGOs did not report any examples of security force members actively recruiting or forcing children into prostitution.

STEPS TO END OFFICIALS' INVOLVEMENT IN TRAFFICKING

As reported above, the GOI has begun to seriously take action against officials involved in trafficking, including corruption charges, administrative sanctions, dismissals and transfers. The impact of these few but unprecedented actions is beginning to change the culture of impunity. Unfortunately, this type of action is not being applied to military officials involved in trafficking, particularly of women and girls trapped in prostitution.

There were no GOI reports of the security forces prosecuting or disciplining their own members for involvement in prostitution or other activities related to trafficking.

FOREIGN PEDOPHILES PROSECUTED, DEPORTED

On February 26, 2007, the South Jakarta District Court sentenced Australian pedophile Peter William Smith to ten years in prison after he was found guilty of sexually assaulting more than 50 under-age children between 2003 and 2006. Smith, a language teacher, was arrested in Jakarta after seven children complained he had sexually abused them. A second suspect committed suicide believing police were

about to arrest him.

Police say pedophile cases are particularly difficult to prosecute since affected boys and girls and their families are reluctant to file reports against the perpetrators.

RATIFICATION OF INTERNATIONAL INSTRUMENTS

Indonesia has signed and in most cases ratified international instruments related to the worst forms of child labor and the trafficking of women and children:

-- The GOI signed ILO Convention 182 concerning the elimination of the worst forms of child labor and ratified this with Law No. 1 of 2000 on March 8, 2000.

-- Indonesia ratified ILO Convention 29 on Forced Labor in 1950. The GOI ratified ILO Convention 105 on the Abolition of Forced Labor in 1999.

-- Indonesia signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and ratified this in September 2001.

-- Indonesia signed in December 2000 the UN Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons. The GOI has not yet ratified the Convention and Protocol.

-- On September 25, 2003, Indonesia signed the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, 1950, and the Convention's Final Protocol. Indonesia has not yet ratified these instruments.

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IV. PROTECTION AND ASSISTANCE TO VICTIMS

GOVERNMENT ASSISTANCE TO VICTIMS

National and local level assistance efforts continued or increased over the past year, although they remained small in comparison with the scope of the problem. The GOI and police operated 41 "integrated service centers," providing health services to TIP and other victims of violence. Four of these are full medical recovery centers specifically for trafficking victims. The GOI pays for about a third of the cost of treating victims by offering intensive care treatment for the cost of ordinary care funded by IOM. These trafficking victim recovery centers treated thousands of patients since opening in 2005. The integrated service centers in Jakarta at the Kramatjati police hospital as well as service centers in Surabaya, Pontianak and Makassar provide support services such as temporary shelter, medical, psychological, and legal assistance.

Authorities continued to round-up and deport a small number of foreign prostitutes without screening them for possible trafficking victims. Various GOI offices and diplomatic missions received training on TIP victim recognition and assistance, training for personnel at the Mission in Malaysia making great progress in 2006.

An increasing number of NGOs and community based organizations have set up Women's Crisis Centers, Drop in Centers or Shelters. Local governments worked together with NGOs and civil society groups to establish and operate shelters for TIP victims, in key transit points like Dumai, Riau Province, and Batam, Riau Islands Province, and in

Entekong on the West Kalimantan border with Malaysia. Local governments also used social services offices and police women's desks as temporary shelters. Women's bureaus in provinces like East Java, North Sumatra, and Riau Islands budgeted modest funding for victims' services.

The Foreign Ministry operated shelters for trafficking victims and migrant workers at its embassies and consulates in a number of countries, including Malaysia, Saudi Arabia, Kuwait, and Singapore. Over the course of 2007, these diplomatic establishments sheltered thousands of Indonesian citizens, including trafficking victims. Indonesian diplomatic missions, in coordination with other GOI agencies, assisted with repatriation of trafficking victims.

The Social Affairs Ministry Directorate of Social Assistance for Victims of Violence and Migrant Workers assisted victims returning from overseas since domestic cases normally fall under the responsibility of local governments. In 2007, the Ministry provided some repatriation assistance to tens of thousands of migrant workers, the vast majority of whom returned from Malaysia. This included transportation, basic medical care, and food for some of these returnees. The Directorate provided some training to provincial Social Affairs offices. The Ministry also operated women's rehabilitation centers and assisted with crisis centers, including the Children's Crisis Center established in Jakarta in 2002.

The provincial government in East Java established a women's crisis center in 2003 that serviced trafficking victims and other women who suffered violence. Police and public hospitals provided medical care to trafficking victims, in

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accordance with a GOI directive (see below).

In 2004, the Women's Ministry, with input from international and local NGOs, finalized standard operating procedures (SOPs) to be used when assisting trafficking victims to ensure their protection. This was in accordance with the anti-trafficking National Action Plan's goal of having the SOPs in place by 2004. The Ministry began to train officials in the SOPs during 2005.

GOI SUPPORT FOR NGO SERVICES TO VICTIMS

The GOI provided some funding to domestic NGOs and civil society groups that supported services for TIP victims, usually as part of a larger program rather than one focused exclusively on trafficking. At the national level, for example, the People's Welfare Coordinating Ministry and the Social Affairs Ministry provided food assistance to social centers and safe houses nationwide. Local governments in North Sulawesi, North Sumatra, West Kalimantan, Riau Islands, and East Java funded NGOs to provide services to some victims, including shelters, medical exams and training.

SCREENING AND REFERRAL OF VICTIMS

In Jakarta, a screening system is in place at the Tanjung Priok seaport to refer cases of abused migrant workers and trafficking victims to the city's police hospital. NGOs active in migrant worker advocacy also identify and refer returned migrant workers who need medical attention. An NGO screening process was also in practice in Surabaya. However, at Jakarta international airport, during a February visit, the Labor Attach observed that trafficking victims are not screened at all by the migrant protection officials responsible at that location. The Labor Attach witnessed one mentally disturbed woman handcuffed to a cot receiving no care, while another severely abused victim had slept for two days at the terminal because she did not have funds for transportation home. NGOs reported that migrant workers

returning to this location are never screened for abuse or referred to treatment facilities as required under the anti-trafficking law.

Women's help desks at provincial and district level police offices typically have formal or informal arrangements in place with local NGO's to provide short-term shelter and a modicum of care for trafficking victims. In general, long-term care does not appear to be available. A current U.S.-funded project, implemented by IOM, has begun to develop models of better and longer-term care for trafficking victims.

RESPECT FOR THE RIGHTS OF VICTIMS

The GOI's written policy, found in its annual trafficking report, is that, "from a legal perspective, the Government treats persons who are trafficked not as criminals, but as victims who need help and protection." The People's Welfare Coordinating Ministry, the Women's Ministry, and training conducted by international NGOs and DOJ/ICITAP, reinforced this policy during the year in public settings and trainings of police and other officials. Police who received ICITAP training demonstrated greater awareness of and respect for TIP victims.

Local government and police practice varied, particularly in the lower ranks of law enforcement agencies. Local governments, exercising greater authority under the nation's

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decentralization program, sometimes enacted regulations that tend to treat trafficked prostitutes as criminals, contrary to national policy. In many instances, GOI officials and police actively protected and assisted victims. In other cases, police officers treated victims, particularly trafficked prostitutes, as criminals, subjected them to detention, and took advantage of their vulnerability to demand bribes and sexual services. The media and lower level officials, including police, frequently failed to protect victims' identities and commonly provided victims' names to the public.

The GOI's policy is not to detain or imprison trafficking victims. Police implementation of this policy varies in practice. Not all local government laws comply with this policy. Local police often arrested prostitutes, presumably including trafficking victims, who operated outside recognized prostitution zones on charges of violating public order. Police raids on prostitute areas commonly resulted in the arrest of prostitutes, rather than users or pimps. On occasion, the police detained victims, sometimes to gain their testimony or in the belief they were protecting the victims from traffickers. In other cases, police detained victims in order to extract bribes.

While there appeared to be a growing understanding of the need to protect Indonesian victims of trafficking, this was not the case for foreign prostitutes. Police and immigration officials deport foreign prostitutes without screening them as possible trafficking victims.

ENCOURAGING VICTIMS TO ASSIST INVESTIGATIONS/PROSECUTIONS

The GOI encourages victims to assist in the investigation and prosecution of traffickers. The GOI reported that victims frequently were reluctant or refused to provide testimony out of shame and fear of retribution against themselves and their families.

In previous periods, there have been reports of police officers who refused to receive complaints from trafficking victims, but insisted instead that victims and traffickers reach an informal settlement (for example, payment of debts in return for a prostitute's release from a brothel).

PROTECTIONS FOR VICTIMS AND WITNESSES

The functions of the women's help desks at provincial and district level police stations include protection of women and children during the police investigation process of crimes such as trafficking. Some of the desks functioned reasonably well, while others did not function adequately. With the new anti-trafficking law and the Witness Protection law, police routinely offer witnesses special protection such as giving testimony via videotape.

TRAINING FOR OFFICIALS TO RECOGNIZE/ASSIST VICTIMS

The National Action Plan calls for training of government officials in recognizing trafficking and assisting victims, to be carried out in the 2003-2007 timeframe. The GOI conducted such training on an ad hoc basis through various seminars, workshops and government meetings. INP and Immigration both conducted anti-trafficking training, including victim recognition, over the past year.

NGOs and international organizations have assisted in the

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training of Indonesian officials. IOM and ICMC have worked with Indonesian diplomatic offices in Malaysia to improve their screening procedures for potential trafficking victims.

The relationship between Indonesian diplomatic missions and NGOs abroad that serve trafficking victims appears to vary greatly.

ASSISTANCE TO REPATRIATED NATIONALS

The GOI, both at the national and locals levels, provides some measure of assistance, including limited medical aid, shelter, and financial help, to its repatriated nationals who were trafficking victims. In general, the government at various levels provided more attention and assistance to repatriated victims compared with victims of internal trafficking. In 2007, the GOI greatly improved its level of care for victims held at Embassy shelters overseas. In some cases the GOI paid the cost to fly victims from Malaysia to Indonesia.

NGO'S WORKING WITH TRAFFICKING VICTIMS

Some of the more prominent NGOs are Solidaritas Perempuan (Jakarta), LBH-Apik (Jakarta and West Kalimantan), Yayasan Mitra Kesehatan dan Kemanusiaan or YMKK (Batam), Rifka Anisa (Yogyakarta) and LADA (Lampung). Some labor unions also provided services to trafficking victims. The activities of these groups related to TIP include: legal assistance, prevention and education programs, medical services, clinics for children, research and advocacy, counseling, reproductive health, HIV/AIDS prevention, and shelters. More NGOs have emerged over the past several years, including Migrant Care, currently a leading advocacy body for migrant worker rights and anti-trafficking.

The GOI continued strong cooperation with NGOs over the past year in the area of assistance to trafficking victims. In some cases government offices relied heavily on NGO inputs and advice. GOI offices provided licenses to organizations and access to trafficking victims, included NGOs on national and local action committees, and interceded with law enforcement agencies in some cases to permit NGOs to carry out their activities. NGOs frequently interacted with the police, though mutual suspicions limited the interaction in some areas.

IV. HEROES

Nirmala Bonat is an Indonesia maid who has relentlessly pursued justice in Malaysian courts for nearly four years since being brutally beaten and burned on her breasts with an iron in 2004 by her Malaysian employer. Despite suffering from the anguish of being trapped in the Indonesian Embassy migrant shelter in Kuala Lumpur, and being humiliated in court, she has stood her ground, refusing to return home and give up her case. In doing so, she has become the cause célèbre for abused trafficking victims worldwide, and an inspiration for others to stand up for their rights. A poor, uneducated 19-year-old woman when she arrived in Malaysia four years ago, her courage is all the more remarkable given her powerless position in society. Nirmala's choice as a TIP hero would demonstrate that victims also have power, and also can be heroes for simply refusing to be beaten down.

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VI. BEST PRACTICES

East Java TIP Task Force (KAP) was its first in Indonesia, established by the governor in 2004. It was developed to coordinate anti-trafficking efforts of various agencies and institutions throughout the province. Members of KAP are NGOs, relevant government departments (to include health, social services, employment, human rights, law enforcement, prosecutors, port authority officials, and other related institutions). It meets regularly and government agencies and NGOs share information fully. KAP has made great strides in reducing human trafficking in East Java to include prevention efforts, reintegration of victims and assistance for trafficking victims.

KAP established a rapid response team to provide social, psychological, and legal counseling for trafficking victims. In 2007, KAP formulated guidance on how to handle trafficking cases. This guidance will be distributed to an anti-trafficking task force at the regency/city level in East Java. KAP also signed an MOU with regencies and cities in the province to work together to handle the return of trafficking victims. KAP has a responsibility to return the victims to their homes, while local government at the regency and city levels has an obligation to monitor and prevent trafficking victims from being re-trafficked. Besides providing five dollars for each trafficking victim who is returned to his or her home village, KAP allocates a special budget for providing food assistance for trafficking victims while they are staying in the shelter waiting to be returned. KAP is a model for how communities can work together to fight trafficking.

HUME